**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| DR. WILLIAM P. GRESS,<br>on behalf of himself and a class, | ) | |
| | ) | |
| Plaintiff, | ) | 12 C 7278 |
| v. | ) | Judge Dow<br>Magistrate Judge Kim |
| NORTHWOOD, INC.,<br>and JOHN DOES 1-10, | ) | |
| Defendants. | ) | |

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF FINAL ACCOUNTING**

Plaintiff, Dr. William P. Gress, respectfully submits this memorandum in support of final accounting of the class action settlement with defendant Northwood, Inc.

On August 6, 2013, the Court entered an order granting final approval to the parties' class action settlement agreement.

Plaintiff filed the affidavit of Catherine Latturner to attest to the fact that the Settlement Fund was received by plaintiff's counsel and held in the firm's client trust account pursuant to the parties' agreement and the Court's order. *See Affidavit of Catherine Latturner, Dkt. No. 39.* Payments were made from the Settlement Fund representing an incentive award to the plaintiff in the amount of $3,000; an award of attorney's fees in the amount of $10,500; and payments of $238.05 and $100.00 to the Class Administrator, Class-Settlement.com, for the costs of notice and settlement administration, including printing and mailing the class settlement checks. *See Affidavit of Catherine Latturner, Dkt. No. 39 and Affidavit of Stephen Rettger, Dkt. No. 40.*

Plaintiff's counsel sent $21,161.95 to the Class Administrator, Class-Settlement.com, Inc, for distribution to the Class Members. *See Affidavit of Catherine Latturner, Dkt. No. 39 and Affidavit of Stephen Rettger, Dkt. No. 40.*

Plaintiff's counsel sent an IRS W-9 Request for Taxpayer ID form to each of those 3 Class Members for whom tax reporting is necessary and then collected all 3 completed forms. Plaintiff's counsel forwarded these completed W-9 fax forms to Class-Settlement.com. *See Affidavit of Stephen Rettger, Dkt. No. 40.*

There were 10 valid claims submitted by Settlement Class Members. Therefore, the balance of the Settlement Fund was divided *pro rata* with a cap of $500 per facsimile and per fax number. In sum, 10 fax numbers were identified by 10 Settlement Class Members. Three Settlement Class Members received 2 facsimiles each, and the remaining 7 Settlement Class Members received 1 facsimile each. Thus, 7 Settlement Class Members were paid $500 and 3 Settlement Class Members were paid $1,000. Settlement checks were successfully mailed to all 10 Settlement Class Members. *See Declaration of Andrew Barnett, Dkt. No. 41.*

All 10 Settlement Class Members cashed their settlement checks. In sum, there was a total distribution to the Settlement Class of $6,500. *See Declaration of Andrew Barnett, Dkt. No. 41.*

Following the expiration of the void date on the Settlement Class Member's checks, there was a total of $14,661.95 of undistributed Settlement Funds remaining. Settlement Class Counsel mailed two *cy pres* checks to Blum's Landing: one in the amount of $13,000 and one in the amount of $1,661.95. *See Affidavit of Stephen Rettger, Dkt. No 40, and Declaration of Andrew Barnett, Dkt. No. 41.*

Catherine Latturner testified that no amount of the Settlement Fund has been retained in the firm's client trust account. *See Affidavit of Catherine Latturner, Dkt. No. 39*. Stephen Rettger and Andrew Barnett testified that the *cy pres* checks payable to Blum's Landing have been delivered. *See Affidavit of Stephen Rettger, Dkt. No 40, and Declaration of Andrew Barnett, Dkt. No. 41*. Andrew Barnett testified that the *cy pres* check in the amount of $1,661.95 to Blum's Landing has not yet cleared the bank and remains outstanding in the *Gress v. Northwood* account. *See Declaration of Andrew Barnett, Dkt. No. 41*.

Plaintiff submits that the Settlement Fund has been distributed to date in accordance with the parties' agreement and the Court's order and anticipates filing a supplemental memorandum once the *cy pres* check in the amount of $1,661.95 clears the *Gress v. Northwood* settlement fund account.

Respectfully submitted,

s/ Heather Kolbus
Heather Kolbus

Daniel A. Edelman
Heather Kolbus
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)

## CERTIFICATE OF SERVICE

I, Heather Kolbus, certify that on January 20, 2014, I caused a true and accurate copy of the forgoing document to be served upon the parties listed below through the Court's CM/ECF system:

Bart T. Murphy bart.murphy@icemiller.com
Thomas J. Hayes thomas.hayes@icemiller.com

s/ Heather Kolbus
Heather Kolbus

Daniel A. Edelman
Heather Kolbus
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, 18th floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)